

Brette L. Evans, Esq. SBN 177042
Evans Law Offices
255 N. Market St., Ste 110
San Jose, Ca 95110
ph: (408) 298-8910
fax: (408) 298-8911
Attorney for Plaintiff

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re)
CARLOS ALBERTO GARCIA,)
Debtor(s).)
MARIO PATINO,)
Plaintiff(s),)
vs.)
CARLOS ALBERTO GARCIA,)
Defendant(s).)

Adv. No.: 13-03195
Bk Case No.: 13-31011 HLB-7

NOTICE OF MOTION FOR ORDER
APPROVING SETTLEMENT AND
COMPROMISE AGREEMENT PURSUANT
TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE RULE 9019 [*Pursuant to
L.B.R. 9014-1, no hearing is required unless
objection filed or hearing requested*]

Hon. Hannah L. Blumenstiel

Date: No Hearing Set
Time:
Location: 235 Pine St., San Francisco CA
Nineteenth Fl., Courtroom 23

TO THE HONORABLE HANNAH L. BLUMENSTEIL, UNITED STATES
BANKRUPTCY, THE DEBTOR, THE CHAPTER 7 TRUSTEE, AND ALL OTHER
INTERESTED PARTIES:

Plaintiff and Defendant, Carlos Garcia, hereby move (the “Motion”) the Court pursuant
to *Federal Rule of Bankruptcy Procedure* (“FRBP”) Rule 9019 for approval of a settlement and
compromise (the “Settlement”) between Plaintiff Mario Patino and Defendant Carlos Garcia, the
Defendant and Debtor herein. The Settlement provides for a settlement and release of claims
relating to the adversary action filed in this Court entitled *Mario Patino vs. Carlos Alberto
Garcia*, Adversary Case No.: 13-03195 HLB, filed on August 3, 2013 (“Adversary Action”).

PLEASE TAKE FURTHER NOTICE THAT the Motion is based upon the supporting

1 Memorandum of Points and Authorities and the Declaration of Mario Patino, filed
2 concurrently herewith, with the *Stipulated Settlement Agreement Resolving All Claims and*
3 *Dismissing the Adversary Proceeding with Prejudice*, as well as the complete files and records in
4 this action, the oral argument of counsel, if any, and such other and further evidence as the Court
5 might deem proper.

6 PLEASE TAKE FURTHER NOTICE THAT pursuant to Local Bankruptcy Rule
7 9014-1(b)(3), any opposition to or request for hearing on any objection to this Motion must be
8 filed with the Court and served upon counsel for the moving party, Mario Patino, within
9 twenty-one (21) days of the mailing of this Notice. Any opposition or request for hearing must
10 be accompanied by any declaration or memoranda of law that the opposing or requesting party
11 wishes to present in support of its position. If an opposition or request for hearing is timely filed
12 and served, the Debtor will set the matter for hearing and will provide at least seven (7) days
13 written notice of the hearing to the opposing or requesting party, and to any trustee or committee,
14 as required. If there is no timely opposition or request for hearing, the Court may enter an order
15 granting the relief requested in this Motion by default, without further notice or hearing.

16
17 **DATED:** July 10, 2014

EVANS LAW OFFICES

18
19 By: /s/ Brette L. Evans
20 Brette L. Evans, attorney for plaintiff
21
22
23
24
25
26
27